

# **EXHIBIT 4**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

---

**MIRKO AVESANI,**

Petitioner,

CASE NO.

v.

**GOOGLE IRELAND LIMITED d/b/a  
YOUTUBE**

Respondent.

---

C. Christopher Newberg (P79025)  
RODENHOUSE LAW GROUP P.C.  
Attorney for Petitioner  
678 Front Avenue NW, Suite 176  
Grand Rapids, MI 49504  
(616) 451-4000  
chris@rodenhouselaw.com

---

**DECLARATION OF C. CHRISTOPHER NEWBERG IN SUPPORT OF ISSUANCE OF  
SUBPOENA PURSUANT TO 17 U.S.C. § 512(h)**

I, C. Christopher Newberg, the undersigned, declare that:

1. My law firm, Rodenhouse Law Group PC, has been retained by Dr. Mirko Avesani to effectuate the takedown of infringing content from YouTube.com and discover the identifies of the part(y)(ies) responsible for distributing the infringing content.

2. Pursuant to prior conversations between my office and counsel for Google LLC d/b/a YouTube, the content that is the subject of this subpoena is stored and/or maintained not by Google LLC, but by Google Ireland Limited. Accordingly, I am directing the underlying subpoena to Google Ireland Limited.

3. I am requesting the issuance of the proposed subpoena that would order Google Ireland Limited to disclose the identity, including the name, physical address(es), IP address(es), telephone number(s), email address(es), payment information, account updates, and account history(y)(ies) of the users responsible for uploading and distributing the content made available on the following pages and URLs:

“The coughing Doctor”  
<https://www.youtube.com/watch?v=2ORAmwJnoik>

4. The purpose for which this subpoena is sought is to obtain the identity or identity of the individual or individuals who created, uploaded, and/or distributed Dr. Avesani’s copyrighted images and videos without his authorization. This information will only be used for the purposes of protecting the rights granted to Dr. Avesani under Title II of the Digital Millennium Copyright Act.

5. I have a good-faith belief that use of the copyrighted materials described above in the manner complained of is not authorized by the copyright owner, its agent, or the law.

6. I declare under penalty of perjury that the information in this notification is accurate and that I am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Dated: January 10, 2022

/s/ C. Christopher Newberg  
C. Christopher Newberg (P79025)